

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE UNITED STATES OF AMERICA *ex rel.*
FRANCISCO HICIANO,

Plaintiff,

v.

TOWER WEST ASSOCIATES LP, TOWER
WEST, INC., GRENADIER REALTY, and
MARIA CAPO,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #
DATE FILED: Dec. 26, 2019

No. 15 Civ. 3530 (ER)

PROPOSED ORDER

The United States (the "Government") having now declined to intervene pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), with respect to the claims raised in the *qui tam* complaint filed by the relator in the above-captioned action,

IT IS HEREBY ORDERED THAT:

1. The complaint shall be unsealed thirty days after entry of this Order; and, in the event that the relator has not dismissed the complaint, service upon the defendant by the relator is authorized as of that date. If the relator voluntarily dismisses the complaint pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure within this thirty-day period, the relator may seek to modify this Order with the consent of the United States or by motion on notice to the United States.

2. The Notice of Election to Decline Intervention filed by the Government shall be served by the relator upon defendant only after service of the complaint.

3. Except for the *qui tam* complaint, this Order and the Notice of Decision to Decline Intervention, all other contents of the Court's file in this action as of the date of this

Order shall remain under seal and not be made public or served upon the defendant.

4. Upon the unsealing of the complaint, the seal shall be lifted as to all matters occurring in this action subsequent to the date of this Order.

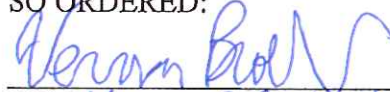
5. The parties shall serve all pleadings and motions filed in this matter, including supporting memoranda, upon the Government. The Government may order any transcripts of depositions. The Government may seek to intervene with respect to the allegations in the relator's complaint (or any subsequent amended complaint), for good cause, at any time.

6. All further orders of this Court in this matter shall be sent to the Government by the relator.

7. Should the relator or the defendant propose that the complaint or any of its allegations be dismissed, settled, or otherwise discontinued, the moving party or parties must solicit the written consent of the Government before applying for Court approval.

Dated: New York, New York
December 26, 2019

SO ORDERED:



HON. Vernon S. Broderick
UNITED STATES DISTRICT JUDGE

Part 1